



Licence Number L8904/2015/1

Licence Holder Cleanaway Solid Waste Pty Ltd

ACN 120 175 635

File Number: DER2015/001648-1

Premises Banksia Road Putrescible Landfill
Banksia Road
CROOKED BROOK WA 6236

Legal description:
Lot 2 on Deposited Plan 65861

Date of Report 12/05/2020

1. Definitions and interpretation

Definitions

In this Amendment Report, the terms in Table 1 have the meanings defined.

Table 1: Definitions

Term	Definition
ACN	Australian Company Number
Amendment Report	refers to this document
Category/ Categories/ Cat.	categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
CEO	means Chief Executive Officer. CEO for the purposes of notification means: Director General Department administering the <i>Environmental Protection Act 1986</i> Locked Bag 10 Joondalup DC WA 6919 or: info@dwer.wa.gov.au
Delegated Officer	an officer under section 20 of the EP Act
Department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> and designated as responsible for the administration of Part V, Division 3 of the EP Act.
DWER	Department of Water and Environmental Regulation
EP Act	<i>Environmental Protection Act 1986</i> (WA)
EP Regulations	<i>Environmental Protection Regulations 1987</i> (WA)
Existing Licence	The Licence issued under Part V, Division 3 of the EP Act and in force prior to the commencement of and during this Review
Licence Holder	Cleanaway Solid Waste Pty Ltd
Prescribed Premises	has the same meaning given to that term under the EP Act.
Premises	refers to the premises to which this Amendment Report applies, as specified at the front of this Amendment Report.
Revised Licence	the amended Licence issued under Part V, Division 3 of the EP Act, with changes that correspond to the assessment outlined in this Amendment Report.

2. Amendment Description

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the Licence issued under the EP Act for a prescribed premises as set out below. This notice of amendment is given under section 59B(9) of the EP Act.

This notice is limited only to an amendment to the activities under Category 64 to give effect to the completed construction of cell 7 which was finalised in March 2020.

The following guidance statements have informed the decision made on this amendment:

- *Guidance Statement: Regulatory Principles (July 2015)*
- *Guidance Statement: Setting Conditions (October 2015)*
- *Guidance Statement: Decision Making (February 2017)*

2.1. Purpose and scope of assessment

On 27 March 2020 the Licence Holder submitted compliance documentation for the completion of landfill cell 7, for which the construction and subsequent operation had been assessed and approved under a previous licence amendment granted 16 April 2017. The compliance documentation included certification by a suitably qualified independent third party professional engineer, to certify that the works had conformed to the required specifications set via the licence amendment. DWER has reviewed the compliance documentation and is satisfied that cell 7 was constructed in accordance with the requirements of the licence.

An amendment has been made to condition 1.4.3 (Table 1.4.4) to clearly reflect the authorisation of landfilling in cell 7 under the Revised Licence.

This Amendment Report does not include any assessment of environmental risk relevant to the operation of landfill cell 7, as this was addressed through a previous licence amendment granted 13 April 2017.

3. Licensing history

Table 2 provides the amendment history for L8904/2015/1.

Table 2: Licence amendments

Instrument	Issued	Amendment
L8904/2015/1	22/10/2015	Licence amendment to authorise operation of leachate evaporation pond 3, constructed under W5748
L8904/2015/1	5/05/2016	Licence amendment to: <ul style="list-style-type: none">• change company name;• authorise operation of cell 12 constructed under W5748; and• address stormwater upgrades
L8904/2015/1	21/07/2016	Licence amendment to: <ul style="list-style-type: none">• Accept approximately 3,000 tonnes per annual period of drill muds for blending and disposal to landfill; and• increase allowable volumes of TWM Processed Septage to 3,000 tonnes per annual period.
L8904/2015/1	13/04/2017	Licence amendment for the construction and operation of three composite HDPE liner Class III landfill cells (cells 6, 7 and 8).
L8904/2015/1	02/02/2018	Amendment Notice 1: to reflect the completion of cell 6 construction and authorise its use.
L8904/2015/1	18/02/2019	Amendment Notice 2: for the construction of a new Cristal pigment waste cell and Cristal Pond under Category 61.

L8904/2015/1	25/06/2019	Amendment Notice 3: to authorise the use of CC2 and Cristal pond constructed under Amendment Notice 2.
L8904/2015/1	12/05/2020	Licence amendment for the acceptance of waste into Cell 7 as assessed and approved through licence amendment granted 13 April 2017.

4. Consultation

Table 3: Summary of consultation

Method	Comments received	DWER response
Application advertised on DWER website (16/04/2020)	No submissions were received in response to the advertisement on DWERs website.	n/a
Local Government Authority advised of application (16/04/2020)	A response was received from the Shire of Dardanup on 1 May 2020. A summary of its response is provided in Appendix 2.	Refer to Appendix 2
Thirty public stakeholders advised of application via email (16/04/2020)	Two submissions were received. A summary of the submissions is provided in Appendix 2	Refer to Appendix 2
Applicant referred draft documents (8/05/2020)	In an email dated 9 May 2020 the applicant questioned the change to condition 2.5.1. Another email was received on 11 May 2020 requesting 'progress to issue'.	The reasons for amending Condition 2.5.1 has been added to Table 4 below.

5. Decision

The Delegated Officer has reviewed the cell 7 compliance documentation and has determined that a licence amendment will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

The risk assessment relating to the operation of cell 7 is detailed in the amendment to L8904/2015/1 dated 13/04/2017.

5.1. Summary of amendments

Table 4 provides a summary of the proposed amendments and will act as record of implemented changes. All proposed changes have been incorporated into the Revised Licence as part of the amendment process.

Table 4: Licence amendments

Condition No.	Proposed amendments
n/a	Deletion of a redundant description of the Premises and licence summary
1.1.2	Inclusion of a definition of Cell 7
1.3.2 - Table 1.3.1	Spelling error corrected it items 3(A), 3(B) and 3(C). 'Overly' has been corrected to 'overlay'.
1.4.3 - Table 1.4.4	Cell 7 has been added as an area where waste may be disposed of.
2.5.1	Condition 2.5.1 of the Existing Licence required information to be submitted "within two months of the date of this licence": The Revised Licence has been amended to specify the actual date the information was required to be submitted.

Stephen Checker
Manager – Waste Industries

An officer delegated by the CEO under section 20 of the EP Act

Appendix 1: Key documents

	Document title	In text ref	Availability
1	Licence L8904/2015/1	L8904/2015/1	accessed at www.dwer.wa.gov.au
2	Compliance documentation and application to amend	n/a	DWER records (A1879745)
3	DER, July 2015. <i>Guidance Statement: Regulatory principles</i> . Department of Environment Regulation, Perth.	DER 2015a	accessed at www.dwer.wa.gov.au
4	DER, November 2016. <i>Guidance Statement: Risk Assessments</i> . Department of Environment Regulation, Perth.	DER 2016b	
5	DWER, June 2019. <i>Guidance Statement: Decision Making</i> . Department of Environment Regulation, Perth.	DWER 2019	

Appendix 2: Summary of Direct Interest Stakeholder Consultation and Comments

	Summary of Comments Received	DWER response
Submission 1	<ol style="list-style-type: none"> 1. Contamination of groundwater from damage to landfill liner caused by fire. 2. Part 6.2 (Environmental Impact Assessment (Part IV of the EP Act) of the application form was not completed 3. Waste is now being accepted from a larger area. 	<ol style="list-style-type: none"> 1. DWER is currently investigating the cause and impacts of two fires which occurred at the premises in 2020 - including whether any potential impacts to liners have occurred. These fires were not related to the operation of Cell 7 which is the subject of this amendment application. The current licence has conditions relating to groundwater monitoring and are intended for the early detection of any potential contamination through regular monitoring events. 2. The amendment application relates to the authorisation to use the previously approved and assessed Cell 7 and not whole-of-site operations. The applicant has completed this section of the application form by checking 'No – not a significant proposal'. Whilst an Environmental Impact Assessment for this premises has not been undertaken, a full review of the licence and operations (including the operation of Cell 7) was conducted in 2017. 3. The inclusion of Cell 7 as an area where waste can be deposited has not increased the annual volume being accepted at the landfill. The geographic area from which waste received onsite is collected is beyond the scope of this assessment.
Submission 2	<ol style="list-style-type: none"> 1. Larger areas are being requested through amendments to the original application 2. The public has not been notified of the outcome of the Appeal against a previous amendment to this licence. 3. No infringements have been issued to the licence holder despite the public reporting breaches dating back to 2017. 	<ol style="list-style-type: none"> 1. DWER is required to assess applications (including for licence amendment) which have been made in accordance with the requirements of the <i>Environmental Protection Act 1986</i> and DWER's risk-based regulatory framework. A full review of the licence and operations (including the operation of Cell 7) was conducted in 2017 and key emissions from landfilling operations were also reviewed and conditions updated in December 2019.

	Summary of Comments Received	DWER response
		<p>2. The Appeal is being processed by the Appeals Convenor and the outcome will be made available to the public once the Minister has made a decision. DWER has liaised with the Office of the Appeals Convenor and is satisfied that the outcome of the Appeal decision will not impact this amendment.</p> <p>3. An investigation into a number of alleged licence breaches at this site is currently being undertaken by the Department's Compliance and Enforcement Division.</p>
Shire of Dardanup	<p>Development Approval was granted for the construction and use of Cell 7 on 14 December 2016.</p> <p>The Shire does not object to the proposed licence amendment subject to the following conditions being met:</p> <ul style="list-style-type: none"> • All existing Development Approvals for the subject land are to be complied with; • There is to be no change to the contour levels approved by the Shire for any part of the subject land, including overall finished heights; • There is to be no change to the approved cell locations, designs and contours; • Waste must only be stored or deposited in the cells approved for that use under an existing Development Approval; • A Dust Management Plan is to be prepared and endorsed by DWER with comments from the Shire of Dardanup and adhered to at all times; • An Odour Management Plan is to be prepared and endorsed by DWER with comments from the Shire of Dardanup and adhered to at all times; • A Waste / Litter Management Plan is to be prepared and endorsed by DWER with comments from the Shire of 	<p>DWER notes that the Shire has previously approved the construction and operation of Cell 7. DWER considers that it is the Licence Holder's responsibility to ensure that it complies with the conditions of the Development Approval and to notify the Shire of any deviations from conditions.</p> <p>DWER's assessment on an application made under Part V, Division III of the <i>Environmental Protection Act 1986</i> (Part V EP Act) is limited by the scope of that application. This Amendment Report does not include any assessment of environmental risk relevant to the operation of landfill cell 7, as this was addressed through the licence amendment granted 13 April 2017.</p> <p>In regards to the Shire's request for a number of Management Plans to be prepared and revegetation activities to be undertaken onsite, as noted above, a wholesale reassessment of emissions and discharges from the premises is outside of the scope of this amendment application assessment.</p> <p>DWER's current Regulatory Framework endorses the application of specific management and outcome-based conditions on licence as opposed to management plan requirements. The recent licence amendment granted 17 December 2019 included a</p>

	Summary of Comments Received	DWER response
	<p>Dardanup and adhered to at all times which should particularly ensure that no litter or waste are allowed to escape the premises and where this occurs regular (at least weekly clean ups of the surrounding properties are to occur);</p> <ul style="list-style-type: none"> • A Stormwater Management Plan is to be prepared and endorsed by DWER with comments from the Shire of Dardanup and adhered to at all times; • Revegetation of the western section of Cell 6 is to occur within 6 months of Cell 7 being commissioned, and in addition revegetation of the bund on the southern section of the site is to be brought to full compliance with the relevant landscape plan. 	<p>reassessment of emissions and discharges from landfilling activities onsite and the introduction of a number of conditions and general tightening up of controls relating to key emissions. DWER considers the current conditions on the licence are appropriate and commensurate to the level of risk presented by onsite operations and adequately control the issues related to the requested management plans.</p> <p>Please note that the scope of licences issued under Part V, Division III of the EPA is limited to the regulation of emissions and discharges of contaminants related to primary activities onsite (such as landfilling and liquid waste storage). In this regard, DWER is able to regulate stormwater, runoff, leachate and similar emissions which have been contaminated or are potentially contaminated by primary activities carried out onsite. It is acknowledged that previous efforts by the Department to regulate stormwater which has not been contaminated by such onsite activities is beyond the scope of a Part V EP Act licence.</p>